



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,755	08/09/2006	Yoshiaki Sonobe	Q9-473	6031
23373 7590 04/14/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER HARRIS, GARY D				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
04/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,755

Applicant(s)

SONOBE ET AL.

Examiner

GARY D. HARRIS

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6 and 9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-6 and 9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 12/5/07
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Examiner acknowledges amendments to claims.

Response to Arguments

Applicant's arguments filed 2/5/08 have been fully considered but they are not persuasive. Regarding the 102 & 103 rejection over Kikitsu et al. US 2003/0017364, at page 4-6 of the response, applicant states that the Kikitsu '364 invention does not teach a substrate, soft magnetic layer, and stacked ferromagnetic layer utilizing a cobalt alloy system with oxides in the grain boundaries. This is not deemed persuasive because Kikitsu clearly meets the limitations of the claim as illustrated in figure 1, the substrate (layer 13, Paragraph 50), the use of underlayers (applicant's soft magnetic layer on substrate) (Paragraph 87-88), cobalt crystals (Paragraph 67, 89-91), alloy systems that would include silicon and or an oxide of silicon (Paragraph 78), and layers comprising Pd and/or Pt (Paragraph 67-68) and teaches the addition of at least one element selected from Co, Pt, Pt added to the nonmagnetic spacer layer (reading on second layer comprising Pd or Pt (Paragraph 143).

Additionally, applicant argues that Kikitsu '364 does not teach ferromagnetic layer. However, Kikitsu '364 clearly discloses the use of ferromagnetic materials used in the functional layer (Paragraph 72-75).

For the above reasons the rejection is maintained and substantially repeated below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikitsu et al. US 2003/0017364.

As to Claim 1, Kikitsu et al. '364 discloses a perpendicular in plane combination magnetic recording medium utilized on hard disk drives (Paragraph 3, 34). Including a recording layer and a functional layer. The deposition condition for the recording layer permitted a large amount of an intergranular substance to enter, the recording layer keeps epitaxial continuity with the functional layer, and independent crystal growth is controlled in the recording layer (Paragraph 52). Ferromagnetic material is used in the functional layer in order to further control magnetization materials and can be selected from a wider range than that of the recording layer (Paragraph 69). Kikitsu '364 discloses the option of using a ferromagnetic layer used in the functional layer (Paragraph 72-75). Materials may be alloyed with at least one element selected from Fe and Ni. Alternatively, it is also acceptable to add to those metals or alloys an additive

Art Unit: 1794

for improving the magnetic property, which include silicon (Si), or the like, or a compound of any of these elements and at least one element selected from oxygen (O), nitrogen (N), carbon (C) and hydrogen (H) (Paragraph 74). In regards to the layer containing a Co Kikitsu et al. '364 discloses a wide range including, beside those materials mentioned above, other alloys of rare earth materials and transition metals, multi-layered films of magnetic layers and noble metal layers (such as Co layer /Pt layer and Co layer/Pd layer) and magnetic oxides (Paragraph 68). Kikitsu '364 discloses the use of underlayers (applicant's soft magnetic layer on substrate) (Paragraph 87-88), cobalt alloy systems (Paragraph 78), and layers comprising Pd and/or Pt (Paragraph 67-68) and teaches the addition of at least one element selected from Co, Pt, Pt added to the nonmagnetic spacer layer (reading on second layer comprising Pd or Pt (Paragraph 143).

As to Claim 5, Kikitsu et al. '364 discloses a spacer layer between the functional layer and the recording layer and encompass claim (Paragraph 132).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 - 4, 6 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikitsu et al. '364.

As to Claim 3, 4, , Kikitsu et al. '364 discloses a recording layer can be made of magnetic grains. Advantageous materials of the magnetic grains are those having a large saturation magnetization and a large magnetic anisotropy. From this viewpoint, usable as a magnetic metal material is at least one metallic material selected from the group consisting of, for example, cobalt (Co), platinum (Pt), samarium (Sm), iron (Fe), nickel (Ni), chromium (Cr), manganese (Mn), bismuth (Bi), aluminum (Al) and alloys of these metals (Paragraph 66). The magnetic layer comprising minute magnetic grains. The boundaries of the magnetic domains should be smooth enough, and this results in the reduction of the size of the magnetic grains (Paragraph 4). A multi-layered film of magnetic substances (Co, Ni, Fe and their alloys) and nonmagnetic substances (including Si and their alloys or oxides) (Paragraph 78). Kikitsu et al. '364 does not disclose the ferromagnetic layer having Si in an amount of 6 atomic percent or more. However, it would have been obvious to one skilled in the art to optimize the oxide percentage in order to optimize magnetically separating the magnetic. Additionally, this is a known process in the art that is processed using a technique used for manufacturing semiconductors, such as lithography, di-block copolymers, or processing by ion beam irradiation (Paragraph 126).

As to Claim 6, Kikitsu et al. '364 discloses all layers were formed consecutively without breaking the vacuum (Paragraph 337). However, the condition of (sputtering gas/pressure) was adjusted but, does not disclose an Argon gas atmosphere lower than the pressure used when forming the ferromagnetic layer. However, this would be an obvious adjustment to one of ordinary skill in the art in order to control the size of the magnetic crystal grains (Paragraph 124) as taught by Kikitsu et al. '364.). Kikitsu '364 discloses the use of underlayers (applicant's soft magnetic layer on substrate) (Paragraph 87-88), cobalt alloy systems (Paragraph 78), and layers comprising Pd and/or Pt (Paragraph 67-68) and teaches the addition of at least one element selected from Co, Pt, Pt added to the nonmagnetic spacer layer (reading on second layer comprising Pd or Pt (Paragraph 143).

As to Claim 9, Kikitsu et al. '364 discloses a spacer layer between the functional layer and the recording layer and encompass claim (Paragraph 132).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARY D. HARRIS whose telephone number is (571)272-6508. The examiner can normally be reached on 8AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith D. Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Holly Rickman/
Primary Examiner, Art Unit 1794
For Gary Harris

Application Number**Application/Control No.**

10/576,755

Examiner

GARY D. HARRIS

**Applicant(s)/Patent under
Reexamination**

SONOBE ET AL.

Art Unit

1794